

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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WADEEAH RAMADAN-NWOKEDI,

Plaintiff,

v.

WASHOE COUNTY JAIL, *et al.*,

Defendants.

Case No. 3:22-cv-00490-MMD-CSD

ORDER

Pro Se Plaintiff Wadeeah Ramadan-Nwokedi brings this civil-rights action under 42 U.S.C. § 1983 to redress constitutional violations that she claims to have suffered while detained at Washoe County Detention Facility (“WCDF”). (ECF No. 1-1.) On November 22, 2022, this Court denied Ramadan-Nwokedi’s application to proceed *in forma pauperis* (“IFP application”) because it was incomplete and ordered her to file a fully complete IFP application or pay the full \$402.00 filing fee on or before January 23, 2023. (ECF No. 3.) Ramadan-Nwokedi was warned the action could be dismissed if she failed to file a fully complete IFP application with all three documents or pay the required filing fee by that deadline. (*Id.* at 2.) When the January 23, 2023, deadline expired, Ramadan-Nwokedi had not filed a fully complete IFP application or paid the full \$402.00 filing fee.

Because the Court’s mail to Ramadan-Nwokedi had been returned as undeliverable and Ramadan-Nwokedi later confirmed that WCDF was her correct address (ECF Nos. 4, 5), the Court considered meaningful alternatives to dismissal and issued another order on March 15, 2023, granting Ramadan-Nwokedi one final opportunity to submit a fully complete IFP application or pay the required filing fee by the deadline of April 14, 2023. (ECF No. 8.) The April 14, 2023, deadline has now expired,

1 and Ramadan-Nwokedi still has not filed a fully complete IFP application, paid the full
2 \$402.00 filing fee, or otherwise responded to the Court's order. And the Court's mail to
3 Ramadan-Nwokedi was again returned as undeliverable. (ECF No. 8.)

4 District courts have the inherent power to control their dockets and "[i]n the
5 exercise of that power, they may impose sanctions including, where appropriate . . .
6 dismissal" of a case. *Thompson v. Hous. Auth. of City of Los Angeles*, 782 F.2d 829, 831
7 (9th Cir. 1986). A court may dismiss an action based on a party's failure to obey a court
8 order or comply with local rules. See *Carey v. King*, 856 F.2d 1439, 1440–41 (9th Cir.
9 1988) (affirming dismissal for failure to comply with local rule requiring *pro se* plaintiffs to
10 keep court apprised of address); *Malone v. U.S. Postal Service*, 833 F.2d 128, 130 (9th
11 Cir. 1987) (affirming dismissal for failure to comply with court order). In determining
12 whether to dismiss an action on one of these grounds, the Court must consider: (1) the
13 public's interest in expeditious resolution of litigation; (2) the Court's need to manage its
14 docket; (3) the risk of prejudice to the defendants; (4) the public policy favoring disposition
15 of cases on their merits; and (5) the availability of less drastic alternatives. See *In re*
16 *Phenylpropanolamine Prod. Liab. Litig.*, 460 F.3d 1217, 1226 (9th Cir. 2006) (quoting
17 *Malone*, 833 F.2d at 130).

18 The first two factors, the public's interest in expeditiously resolving this litigation
19 and the Court's interest in managing its docket, weigh in favor of dismissal of Ramadan-
20 Nwokedi's claims. The third factor, risk of prejudice to defendants, also weighs in favor of
21 dismissal because a presumption of injury arises from the occurrence of unreasonable
22 delay in filing a pleading ordered by the court or prosecuting an action. See *Anderson v.*
23 *Air West*, 542 F.2d 522, 524 (9th Cir. 1976). And the fourth factor—the public policy
24 favoring disposition of cases on their merits—is greatly outweighed by the factors favoring
25 dismissal.

26 The fifth factor requires the Court to consider whether less drastic alternatives can
27 be used to correct the party's failure that brought about the Court's need to consider
28 dismissal. See *Yourish v. Cal. Amplifier*, 191 F.3d 983, 992 (9th Cir. 1999) (explaining

1 that considering less drastic alternatives *before* the party has disobeyed a court order
2 does not satisfy this factor); accord *Pagtalunan v. Galaza*, 291 F.3d 639, 643 & n.4 (9th
3 Cir. 2002). Courts “need not exhaust every sanction short of dismissal before finally
4 dismissing a case, but must explore possible and meaningful alternatives.” *Henderson v.*
5 *Duncan*, 779 F.2d 1421, 1424 (9th Cir. 1986). Because this Court cannot operate without
6 collecting reasonable fees, and litigation cannot progress without a plaintiff’s compliance
7 with the Court’s orders, the only alternative is to enter a third order setting another
8 deadline. But issuing a third order will only delay the inevitable and further squander the
9 Court’s finite resources. Setting a third deadline is not a meaningful alternative given
10 these circumstances. The fifth factor thus favors dismissal. Having thoroughly considered
11 these dismissal factors, the Court finds that they weigh in favor of dismissal.

12 It is therefore ordered that this action is dismissed without prejudice based on
13 Plaintiff Wadeeah Ramadan-Nwokedi’s failure to file a fully complete IFP application or
14 pay the full \$402.00 filing fee in compliance with this Court’s November 22, 2022, and
15 March 15, 2023, orders.

16 It is further ordered that the Clerk of Court is directed to enter judgment accordingly
17 and close this case. No other documents may be filed in this now-closed case. If
18 Ramadan-Nwokedi wishes to pursue her claims, she must file a complaint in a new case
19 and either pay the required filing fee or properly apply to proceed *in forma pauperis*.

20 DATED THIS 2nd Day of May 2023.

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23 MIRANDA M. DU
24 CHIEF UNITED STATES DISTRICT JUDGE
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